

OFFICIAL PROCEEDINGS OF AIR POLLUTION APPEALS BOARD OF THE CITY OF LANSING

Proceedings, July 28, 1965

A meeting of the Air Pollution Appeals Board was held Wednesday evening, July 28, 1965, at 7:30 p.m., in Room 136, City Hall, prior to the regular Air Pollution Board meeting.

Present: Board members Ansley, Bintz, Dodson, Kloeckner, Oeming, Ruth and Tableman—7.

Absent: Board member Ray—1.

Guests: Eugene Wanger, City Attorney; Nicholas Limber, Capital Laundry; Mr. Kritselis, Younger, Warren & Keyworth; Ray Freeman, State Journal and interested citizens.

The meeting of the Appeals Board was called to order by the Chairman. The secretary called the roll and announced that a quorum was present. Mr. Tableman reviewed the purpose of the meeting.

The secretary reviewed file data to date. In December, 1964, in conjunction with the Michigan Department of Health, an area survey was conducted concerning Capital Laundry. The covering report was reviewed at the January 26, 1965, meeting of the Board with Mr. Limber in attendance. February minutes noted the death of the owner of Capital Laundry and a motion was made that the firm be given ninety days to show progress towards solution of the problem. A report was requested for the May meeting. A complaint was filed with the City Clerk on April 8, 1965, and investigated April 12, 1965. At the April 27, 1965, meeting, the Board directed that a letter be sent to the complainant indicating that further action would be taken at the end of the ninety days. At the May 27, 1965, meeting the engineer reported additional complaints and little or no progress towards solution of the problem. Mr. Limber did not present a progress report. The Board voted to cite Capital Laundry as being in violation of Section 21-18, Article 2, Chapter 21, of the Code of the City of Lansing and referred the matter to the City Attorney for appropriate action. Mr. Limber was so notified by certified mail on May 29, 1965. At the June 29, 1965, meeting, Mr. Limber requested and was granted a hearing before the Appeals Board.

Speaking for Mr. Limber, Mr. Kritselis requested that the secretary indicate for the record: Mr. Kritselis: (1) Do the records reflect notification to Mr. Limber of the citation determination date? (2) Because of lack of notification, we move that the citation be dismissed. (3) We request specific reason for the citation. (4) We request that this matter be remanded for further hearings before the Board in order that Mr. Limber has an opportunity to meet the charges. (5) We move to dismiss on grounds of denial of due process and that the Appeal Board is the same Board by whom the original determination was made.

Mr. Tableman indicated that the original citation was based on information contained in the area survey conducted by the Michigan Department of Health, complaints of smoke and fallout received by the City Clerk and investigated by the engineer and the Engineer's recommendation.

Mr. Kritselis indicated that the firm had had a change of management in February. Since then they have, about June 1, changed from No. 5 regular oil to No. 4 regular oil and on July 26, 1965, installed a bell log which will indicate when the smoke limit is reached and the bell rings. It takes 20-30 seconds for someone to give attention to the bell. Stack height has been increased two or three times the original height. In 1963 the Ringlemann device (electronic eye) was installed. Local people no longer indicate the desirability of converting to gas. If the proposed highway does not go to the rear of Capital Laundry, the firm will exercise its options on property to expand the operation and will install a complete new plant. Otherwise, Capital Laundry area will be eliminated by the highway.

A general discussion of the alarm device and new bell log and the change of fuels followed. Mr. Oeming asked whether the bell log substantiated the complaints and was informed that the log had been in operation only two days. Further discussion indicated that the new device simply records when the bell rings at the Ringlemann 1 point. In response to Mr. Bintz's question, Mr. Pesterfield indicated that the stack height increase several years ago was

about 10 feet and not two or three times the original stack height.

Mr. Wanger asked for clarification of the point regarding remanding the matter for further hearing before the Board. Mr. Kritselis indicated he felt his client should have an opportunity to question complainants.

Since Mr. Kritselis had nothing further to present at this time, the Appeals Board took the matter under advisement and Mr. Tableman declared the meeting adjourned at 8:40 p.m.

Respectfully submitted,

NORA DONOVAN,
Secretary.